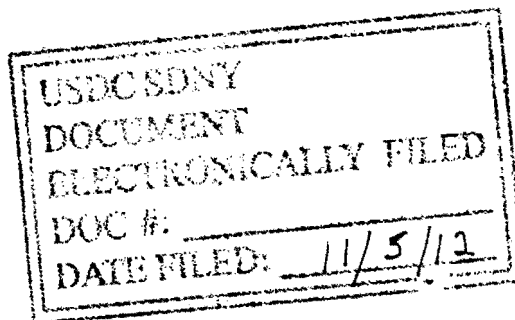


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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- x
SWEET PEOPLE APPAREL, INC. d/b/a MISS
ME

Plaintiff,

- against -

XYZ COMPANY d/b/a MISSME-JEANS.COM,
XYZ COMPANY d/b/a
MISSMEJEANSOUTLET.COM, XYZ
COMPANIES 1-10, and JOHN AND JANE
DOES 1-10

Defendants.
----- x

Civil Action No. 1:12-cv-07506-SAS

**[PROPOSED] PRELIMINARY
INJUNCTION ORDER**

WHEREAS, on October 5, 2012, the Court entered an *Ex Parte* Temporary Restraining Order, Order to Disable Certain Websites, Asset Restraining Order, Expedited Discovery Order and Order to Show Cause for Preliminary Injunction ("TRO") in the above-captioned matter (Dkt. No. 3), directing, *inter alia*, that certain websites (defined therein as the "Infringing Miss Me Domain Websites") operating under domain names using Plaintiff's federally registered MISS ME trademark and service mark (defined therein as the "Infringing Miss Me Domain Names") be disabled, and that the domain name registrations for the Infringing Miss Me Domain Names be deactivated (TRO, p. 9); and

WHEREAS, the TRO further directed that the registrars of the Infringing Miss Me Domain Names also produce documents with respect to such domain names, the websites associated therewith, and the operators of those websites, such registrars to include, but not be limited to, eNom, Inc. and Namecheap, Inc. (TRO, pp. 6-7); and

WHEREAS, by Order dated October 17, 2012, the Court extended the TRO for fourteen days (Dkt. No. 5), *i.e.*, until November 2, 2012; and

WHEREAS, by Order dated October 19, 2012, the Court amended the TRO to encompass two additional, newly discovered domain names that infringed Plaintiff's registered MISS ME trademark and service mark, namely "missmejeansoutlets.com" and "missme-jeans.org" (Dkt. No. 6); and

WHEREAS, the TRO directed that Defendants show cause, on or before October 19, 2012, why an order should not be entered granting Plaintiff a Preliminary Injunction which provides for the relief set out in subparagraphs (a)(i)-(v), (b) and (c) at pp. 4-5 of the TRO, and other relief set out at pp. 5-10 of the TRO; and

WHEREAS, the TRO further provides that (i) Defendants' failure to attend the hearing on Plaintiff's Order to Show Cause "may result in immediate issuance of the prayed-for Preliminary Injunction to take effect immediately upon expiration or dissolution of the Temporary Restraining Order, and shall otherwise extend for the pendency of this litigation upon the same terms and conditions as comprise this Temporary Restraining Order", and (ii) "Defendants are hereby given further notice they shall be deemed to have actual notice of the issuance and terms of such Preliminary Injunction and any act by them or any one of them in


violation of any of the terms thereof may be considered and prosecuted as contempt of this Court” (TRO, p. 10); and

WHEREAS, Defendants failed to attend the scheduled hearing on Plaintiff’s Order to Show Cause on October 19, 2012, and have not appeared in this action to date.

NOW, good cause having been shown therefor, the Court orders as follows:

1. The Court hereby dissolves the TRO and issues the prayed-for Preliminary Injunction, to take effect immediately.
2. As provided in the TRO, such Preliminary Injunction shall extend for the pendency of this litigation upon the same terms and conditions as comprise the TRO, including without limitation the provisions set out in subparagraphs (a)(i)-(v), (b) and (c) at pp. 4-5 of the TRO, and other relief set out at pp. 5-10 of the TRO.
3. Defendants shall be deemed to have actual notice of the issuance and terms of such Preliminary Injunction, and any act by them or any one of them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.

SO ORDERED this 5 day of Nov., 2012.


SHIRA A. SCHEINDLIN
UNITED STATES DISTRICT JUDGE